THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 6566 OF 2005

Dated 22nd June, 2007

Between:

Dr. Lakshmi Krishna Rao Visvodaya Boys
High School, Janatha Pet, Kavali,
Nellore District, represented by its
Correspondent P.Adisesha Reddy.

…Petitioner

And

The State of Andhra Pradesh,
represented by the Principal Secretary to
the Government, Education Department,
Secretariat, Hyderabad and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner – a high school – seeks a declaration that the action of the respondents in not permitting it to fill up the vacant post of Attender with O.C. (General) candidate as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that out of the sanctioned posts, in the category of Attenders, only one post is admitted to grant-in-aid and to fill up the said vacancy selection was made and one Mr.Mohan Rao was selected to the said post. But, when the said proposal was sent for approval to the competent authority, the same was rejected on the ground that the roster point No.1/100 is reserved to O.C. (Woman) candidate, whereas the petitioner-school selected a male candidate to the said post.

It is the case of the petitioner that as much as in the category and class of posts, there is only one post of Attender, which is admitted to grant-in-aid, the communal roster cannot be made applicable to it.

In the counter affidavit, while admitting that there is one post of Attender, it is stated that there is possibility of sanction of second and third posts, if strength increases or additional sections are opened in the school.

As on today, there is only one post of Attender and the plea that there is possibility of granting additional sections and creation of further posts for admission to grant-in-aid is not a ground to reject the request of the petitioner now. As the proposal of the petitioner is not considered in accordance with the rule position, I deem it

appropriate to remit the matter back for fresh consideration by the respondents. Accordingly, the order passed by the Regional Joint Director dated 18.11.2003 in L.Dis. No.3363/A3/2003 is set aside and the matter is remitted back for fresh consideration.

It is open for the petitioner to make a representation apprising the competent authority that as there is only one post, communal roster cannot be applied. The respondents shall reconsider the matter afresh after taking into consideration of the representation of the petitioner and pass appropriate orders within a period of six weeks from the date of the receipt of a copy of this order.

The writ petition is allowed to the extent indicated above. No costs.

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22-6-2007

R.SUBHASH REDDY, J.

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